

Views Policy Paper

Executive Summary

Views of the shorelines and water are a crucial part of Seattle's urban character. Accordingly, Seattle's SMP requires view corridors for most waterfront lots other than single-family residential lots. Generally the corridors take up 35% of a lot, although there is some variation between shoreline environment designations as well as reductions for lots with water-dependent and water-related uses. General requirements are illustrated in Figures 1-4 of the Public Access Policy Paper.

DPD recommends continuing the general approach used under the current SMP, while making changes such as removing existing view corridor reductions for water-related uses and simplifying the code by consolidating view corridor requirements in the general development standards section.

Key Issues

- Do current and proposed view corridor regulations adequately balance the need for water views with use of waterfront property?

Proposed Changes to the SMP

Goals and Policies

Existing goals and policies are list below. No changes are proposed.

LUG45 Preserve and enhance views of the shoreline and water from upland areas where appropriate.

LUG60 Recognize the unique opportunities in different areas of our shorelines to protect and restore ecological function, accommodate different types of water-dependent businesses and shoreline recreation, and to open views of the water.

LU237 Except for single-family residences, maintain standards and criteria for public access and private use of publicly owned or controlled shorelines to achieve the following:

1. Provide linkages between shoreline public facilities via trails, paths, etc., to connect with terminal boating and other recreational facilities.
2. Indicate by use of signs and graphics all publicly owned or controlled shoreline and all required public access on private property.
3. If appropriate, offer bonuses for the provision of public access on private property.
4. Require public agencies such as the City, Port of Seattle, and King County Metro, etc., to provide public access opportunities at new shorelines facilities

- and encourage these agencies to provide similar opportunities in existing facilities.
5. Provide standards and criteria for view and visual access from upland and shoreline areas.
 6. Give priority to the operating requirements of the water-dependent and water-related uses over preservation of views in those environments where water-dependent uses are encouraged.
 7. Limit off-premise signs and regulate other signs to enhance and protect views.

LU258 Allow for increased opportunity for the public to enjoy water-dependent recreation including boating, fishing, swimming, diving and enjoyment of views.

Intent

The intent of the proposals below is to clarify existing requirements, comply with state guidelines, and simplify the code where possible.

Changes to Land Use Code

- 1) Clarify the definition of “view corridor.” The following language is proposed: “A view corridor means an area of a lot that provides views unobstructed by structures through the lot from the street to the water.”
- 2) Remove view corridor reductions for water-related uses. Currently, exceptions or reductions from the view requirement are provided for both water-dependent and water-related uses. Under WAC guidelines, the definition of water-related has been substantially broadened to the point that it is no longer appropriate to give a blanket reduction for water-related uses.
- 3) Consolidate common view requirements into one section of the code rather than having them in each shoreline environment. This will shorten and simplify the code. Specific variations would still be included in shoreline environment sections as needed.
- 4) Expand existing view corridor requirement for upland through lots separated from a waterfront lot designated CM, CR, CP or CN to include additional lots that are only separated from the water by public property or right-of-ways where unobstructed views of the water may be possible. This would better meet the intent of the requirement by providing view corridors along areas in the Ship Canal where UG parcels are separated from the water by a thin strip of CN.

Background Information

Existing Regulations

A view corridor is a portion of land running generally perpendicular to the shoreline that contains no structures, but may contain landscaping and, in limited circumstances,

parking. General standards for view corridors are listed in SMC 23.60.162, while measurement techniques are described in SMC 23.60.954 and shoreline environment specific regulations are located in the shoreline environment sections (Seattle Municipal Code 23.60.240 through 23.60.784). View corridors are generally required on waterfront properties, and also on upland through lots separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way. Lots with single family dwellings are generally exempted as well as lots in the Urban Industrial environment where water-dependent or water-related uses occupy more than 50% of the lot. Conservancy Waterway and Conservancy Preservation environments don't have view corridor requirements; however, development is generally very limited in these zones.

Limited activities are allowed in view corridors and include open wet moorage, storage of boats under repair, and outdoor storage of items accessory to water-dependent or water-related uses are generally allowed in a view corridor. A view corridor of 35% of the lot width is required in most areas, except in the Urban Harborfront (30%), North Shilshole (65%), and lots occupied by water-dependent or water-related uses in the Urban Maritime environment (15%) and the Urban Stable environment (25%).

Specific code language is listed below.

SMC 23.60.162 View corridors.

A. View corridors shall be provided for uses and developments in the Shoreline District as required in the development standards of the environment in which the use or development is located.

B. When a view corridor is required the following provisions shall apply:

1. A view corridor or corridors of not less than the percentage of the width of the lot indicated in the development standards for the applicable shoreline environment shall be provided and maintained.
2. Structures may be located in view corridors if the slope of the lot permits full, unobstructed view of the water over the structures.
3. Unless provided otherwise in this chapter, parking for motor vehicles shall not be located in view corridors except when:
 - a. The parking is required parking for a water-dependent or a water-related use and no reasonable alternative exists; or
 - b. The area of the lot where the parking would be located is four (4) or more feet below street level.
4. Removal of existing landscaping shall not be required.

C. The Director may waive or modify the view corridor requirements if it is determined that the intent to preserve views cannot be met by a strict application of the requirements or one (1) of the following conditions applies:

1. There is no available clear view of the water from the street;
2. Existing development or topography effectively blocks any possible views from the street; or
3. The shape of the lot or topography is unusual or irregular.

D. In making the determination of whether to modify the requirement, the Director shall consider the following factors:

1. The direction of predominant views of the water;
2. The extent of existing public view corridors, such as parks or street ends in the immediate vicinity;
3. The availability of actual views of the water and the potential of the lot for providing those views from the street;
4. The percent of the lot which would be devoted to view corridor if the requirements were strictly applied;
5. Extreme irregularity in the shape of the lot or the shoreline topography which precludes effective application of the requirements; and
6. The purpose of the shoreline environment in which the development is located, to determine whether the primary objective of the environment is water-dependent uses or public access views.

SMC 23.60.954 View corridors.

When a view corridor is required, it shall be provided according to the development standards set forth in Section 23.60.162 using the following measurement techniques:

- A. The width of the view corridor or corridors shall be determined by calculating the required percent of the width of the lot at the street or upland lot line;
- B. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, generally parallel to existing view corridors;
- C. When a lot is bounded by more than one (1) street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the

direction of the predominant view of the water and the availability of actual views of the water.

SMC 23.60.398 View corridors in the CR Environment.

A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots except those developed with single-family dwellings.

SMC 23.60.458 View corridors in the CM Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

B. The following uses may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair; and
3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

SMC 23.60.518 View corridors. (CW)

A view corridor or corridors of not less than fifty (50) percent of the width of the waterway shall be provided and maintained for all developments.

SMC 23.60.576 View corridors in the UR Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CH by a street or railroad right-of-way.

B. View corridors are not required for single-family dwelling units.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair;
3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

SMC 23.60.636 View corridors in the US Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN, by a street or railroad right-of-way.

B. View corridors are not required for single-family residential development.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair; and
3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

D. The required view corridor width shall be reduced to twenty-five (25) percent of the width of the lot when water-dependent or water-related uses occupy more than forty (40) percent of the dry land area of the lot.

E. A view corridor or corridors of not less than sixty-five (65) percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street.

The following may be located in the required view corridors:

1. Open wet moorage;
2. Dry storage of boats; and
3. Parking for both water-dependent and non-water-dependent uses.

SMC 23.60.666 Council conditional uses permitted on waterfront lots in the UH Environment.

Water-dependent Incentive.

f. View Corridors. View corridors shall be provided equivalent to thirty (30) percent of the street frontage of the lot. The following conditions for view corridors shall be met:

- (1) View corridors shall allow views of the water from the street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along traditional view corridors established by submerged street rights-of-way, as well as views from upland areas along east/west rights-of-way. View corridors shall provide views past pier development out into the open water of Elliott Bay and to the Olympic Mountains where possible;
- (2) View corridors shall maximize opportunities for views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;
- (3) View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and

(4) Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

SMC 23.60.698 View corridors in the UH Environment.

A. Waterfront Lots.

1. The following standards shall apply to waterfront lots:

- a. A view corridor with a width of not less than thirty (30) percent of the width of the lot, measured at Alaskan Way, shall be provided and maintained;
- b. The view corridor may be provided at two (2) locations, provided that each location has a minimum width of twenty (20) feet.

2. The following may be located in a required view corridor:

- a. Storage of boats undergoing repair,
- b. Open wet moorage, and
- c. Outdoor storage of items accessory to water-dependent or water-related use.

3. One-half (1/2) of an adjacent submerged street right-of-way may be used in meeting view corridor requirements.

B. Upland Lots. No view corridors are required.

SMC 23.60.756 View corridors in the UM Environment.

A. A view corridor or corridors of not less than fifteen (15) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a non-water-dependent use.

C. The following may be located in a required view corridor:

- 1. Open wet moorage;
- 2. Storage of boats undergoing repair;
- 3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors; and
- 4. Open storage accessory to a water-dependent or water-related use.

D. View Corridor Reductions. The required percent of the width of the lot may be reduced by five (5) percent for each of the following conditions provided that such reduction does not result in a view corridor of less than fifteen (15) feet:

1. The required view corridor is provided entirely in one (1) location;
2. A view corridor of at least half (1/2) the required width abuts a lot line which separates the lot from a street, waterway, or public park;
3. A view corridor of at least half (1/2) the required width abuts a view corridor provided on the adjacent property.

E. Viewing Area Substitution. In lieu of the required view corridor, developments which are not required to provide public access may provide a public viewing area as follows:

1. The viewing area shall be either an observation tower or a designated portion of the lot which is easily accessible;
2. The viewing area shall provide a clear view of the activities on the lot and the water;
3. The viewing area shall have a minimum dimension of one hundred fifty (150) square feet; and
4. The conditions of Section 23.60.160 for public access relating to accessibility, signs, and availability shall apply.

SMC 23.60.816 View corridors in the UG Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all upland through lots separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair; and
3. Parking, which meets the criteria in subsection B3 of Section 23.60.162, View corridors.

SMC 23.60.876 View corridors in the UI Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots developed with a non-water-

dependent use or a mix of water-dependent or water-related uses and non-water-dependent uses if the water-dependent or water-related use occupies less than fifty (50) percent of the dry-land portion of the lot.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all upland through lots which are adjacent to waterfront lots designated CM, CR, CP or CN.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair;
3. Parking which meets the criteria in subsection B3 of Section 23.60.162; and
4. Open storage accessory to a water-dependent or water-related use.

WAC SMP Guidelines

Guidance for Public Access, located in WAC 173-26-221 (4), directs local jurisdictions to “protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water” and to adopt view corridors “to minimize the impacts to existing views from public property or substantial numbers of residences”. However, no specific guidance on how these directives should be encouraged is given. Relevant WAC language is given below.

(4) *Public access.*

(a) **Applicability.** Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access provisions below apply to all shorelines of the state unless stated otherwise.

(b) **Principles.** Local master programs shall:

(i) Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.

(ii) Protect the rights of navigation and space necessary for water-dependent uses.

(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.

(iv) Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from

adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.